

Democrats, of course, present voter ID laws as an attempt to suppress votes by forcing people to go through a challenging process of obtaining a government ID. I have to ask if Democrats also think laws requiring ID to drive are somehow discriminatory. We constantly require photo identification in our society to drive, to board planes, to enter many government buildings, to pick up tickets to Major League baseball games. These requirements are pretty universally accepted. It is difficult to understand how requiring identification to vote is so outrageous. The American people don't seem to think so. Polls show that a majority of Americans support voter ID laws.

In addition to effectively eliminating State voter ID requirements, H.R. 1 also requires that States allow ballot harvesting, the controversial practice of allowing political operatives to collect and submit ballots. Needless to say, ballot harvesting opens up a lot of questions about voter fraud and election integrity, but the Democrats' bill would require it.

As I mentioned, Democrats introduced an almost identical version of H.R. 1 in the last Congress, and—get this—the ACLU opposed it. The ACLU opposed it. That is right. The American Civil Liberties Union opposed it. Why? Because the bill would “unconstitutionally burden speech and associational rights.” Unconstitutionally burden speech and associational rights. H.R. 1 would impose a vast new array of restrictions on political speech and issue advocacy, and it would impose disclosure requirements for organizations that would open up donors to retaliation and intimidation.

I could fill up several speeches with a discussion of all the bad provisions in this bill. H.R. 1 would turn the FEC, the Federal Election Commission, into a partisan body. It would require taxpayer funding of political campaigns. Taxpayer dollars would go to fund bumper stickers and political ads. It would allow the IRS to deny tax-exempt status to organizations whose positions it doesn't like and on and on.

Then there is the fact that on a purely practical level, this bill would be a disaster. A recent Daily Beast article highlighted the onerous and impossible-to-meet requirements the bill imposes on conducting elections. To quote the Daily Beast, another media outlet not exactly known for its favoritism toward conservative Republicans, the bill “was written with apparently no consultation with election administrators, and it shows . . . it comes packed with deadlines and requirements election administrators cannot possibly meet without throwing their systems into chaos.”

The article goes on to say:

The sections of the bill relating to voting systems . . . show remarkably little understanding of the problems the authors apply alarmingly prescriptive solutions to. Many of the changes the bill demands of election administrators are literally impossible to implement.

That, again, is from the Daily Beast. Like the Democrats' Supreme Court power grab, H.R. 1 is a solution in search of a problem. Protecting the right to vote and preserving the integrity of our election systems are essential. While we are fortunate that our electoral system by and large seems to be operating well, there are certainly measures that we can take up to further enhance election integrity. H.R. 1 is not one of those measures. This legislation is an unacceptable Federal takeover of elections that would undermine election integrity and substantially curtail First Amendment rights. Every single Member of Congress should be opposing it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

#### CLOTURE MOTION

Mr. DURBIN. I ask unanimous consent that the mandatory quorum call with respect to the Gupta nomination be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 62, Vanita Gupta, of Virginia, to be Associate Attorney General.

Charles E. Schumer, Richard J. Durbin, Mazie Hirono, Tammy Baldwin, Tammy Duckworth, Alex Padilla, Maria Cantwell, Sheldon Whitehouse, Cory A. Booker, Debbie Stabenow, Brian Schatz, Tim Kaine, Kirsten E. Gillibrand, Benjamin L. Cardin, Gary C. Peters, Patrick J. Leahy, Christopher Murphy.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Vanita Gupta, of Virginia, to be Associate Attorney General, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 51, nays 49, as follows:

[Rollcall Vote No. 159 Ex.]

#### YEAS—51

Baldwin	Hassan	Murphy
Bennet	Heinrich	Murray
Blumenthal	Hickenlooper	Ossoff
Booker	Hirono	Padilla
Brown	Kaine	Peters
Cantwell	Kelly	Reed
Cardin	King	Rosen
Carper	Klobuchar	Sanders
Casey	Leahy	Schatz
Coons	Lujan	Schumer
Cortez Masto	Manchin	Shaheen
Duckworth	Markey	Sinema
Durbin	Menendez	Smith
Feinstein	Merkley	Stabenow
Gillibrand	Murkowski	Tester

Van Hollen  
Warner

Warnock  
Warren

Whitehouse  
Wyden

#### NAYS—49

Barrasso	Graham	Risch
Blackburn	Grassley	Romney
Blunt	Hagerty	Rounds
Boozman	Hawley	Rubio
Braun	Hoeven	Sasse
Burr	Hyde-Smith	Scott (FL)
Capito	Inhofe	Scott (SC)
Cassidy	Johnson	Shelby
Collins	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	McConnell	Wicker
Daines	Moran	Young
Ernst	Paul	
Fischer	Portman	

(Mr. KELLY assumed the Chair.)

The PRESIDING OFFICER (Mr. HICKENLOOPER). On this vote, we have 51 yeas and 49 nays.

The motion is agreed to.

The Senator from Texas.

#### NOMINATION OF VANITA GUPTA

Mr. CORNYN. Mr. President, as my friend the Republican leader likes to remind us, the Senate is not just a legislative body; we are also in the personnel business. One of the Senate's core responsibilities is to provide advice and consent for the President's nominees for a range of important jobs throughout the Federal Government. In fact, it is a constitutional duty of the Senate to perform that function.

When the President is of the opposing party, there is all but a guarantee that you will not see eye to eye with every nominee, but the process isn't just about politics or judging nominees based on whether their opinions align with your own. As I see it, we are charged with evaluating these individuals to see if they are qualified not only to carry out the duties of their position but will also do so with honor and integrity.

Take Attorney General Merrick Garland, for example. When the Senate considered his nomination, it became clear that he had both the experience and the temperament to lead the Department of Justice. Do we agree on everything? No. But he committed to do everything in his power to keep politics out of the Department of Justice, and I have no reason to doubt his credibility.

The same could be said of the President's nominee for Deputy Attorney General, Lisa Monaco, who was confirmed yesterday by the Senate. Ms. Monaco is a longtime public servant who previously served for 15 years at the Department of Justice. Throughout her career, she has earned the respect of folks on both sides of the aisle, and I believe she will bring a wealth of experience and institutional knowledge to the Department.

So my point is, I have supported the majority of President Biden's nominees thus far, and every single nominee has received bipartisan support at some level. But unfortunately, it looks like we are about ready to break that record of bipartisanship.

Today, the Senate will vote on the nomination of Vanita Gupta to serve as

Associate Attorney General, the third highest official at the Department of Justice. Unlike previous nominees who have received bipartisan support, there is not a single person on this side of the aisle who believes that Ms. Gupta is fit to serve as the third in command at the Department of Justice.

I can't predict what the final vote will be. It will be at 2:30. But I hear nobody on this side of the aisle saying she is an exemplar of the type of person who should serve in the Department of Justice.

As I said, this is not about politics; nor are those of us who are opposed to her nomination opposed because of her gender or race. To the contrary, those are irrelevant. Instead, the lack of support for Ms. Gupta is a result of her radical record far outside the mainstream and her career as a partisan activist. In fact, she has championed radical policies basically all of her professional career.

In addition, throughout the confirmation process, Ms. Gupta was asked about the long, long list of controversial, misleading, and sometimes outright false public statements that she has made in the past—her statement before the Judiciary last summer, for example, that we should effectively defund the police; her op-ed that argued we should effectively revoke qualified immunity for law enforcement in civil lawsuits; but worst of all were her prior statements on drug policy.

In 2012, Ms. Gupta wrote in an op-ed in the Huffington Post that “States should decriminalize simple possession of all drugs.” “All drugs.” This is obviously an incredibly controversial statement and way out of step with most Americans’ views, for good reason. What she said is, as long as they were small amounts, she would legalize heroin, fentanyl, cocaine, ecstasy, methamphetamine, you name it.

When Ms. Gupta tried to distance herself from these previous positions that are published in black and white, here is what the Washington Post Fact Checker said:

For this tango of previously unacknowledged flip-flops, Gupta earns an Upside-Down Pinocchio.

Now I have seen a one Pinocchio, two Pinocchio, three Pinocchio, even a four, but I have never seen an upside-down Pinocchio for a “tango of previously unacknowledged flip-flops.” The Fact Check examined Ms. Gupta’s confusing then and now statements on police budgets, qualified immunity, and drug policy, and that is what they found.

Now, I understand and respect the fact that people’s opinions can change over time. As we learn new information or have different experiences in life, we all understand that one’s views can change. But there is a big difference between honestly forming a new opinion and undergoing a confirmation conversion to bury radical views on controversial subjects. After all, how could

anyone support a nominee who advocated the decriminalization of all drugs, especially for the No. 3 spot at the Department of Justice? I am not sure anyone in this Chamber, Republican or Democrat, could support someone to serve in the upper echelon of the Justice Department who supported the legalization of heroin, fentanyl, and other dangerous street narcotics. That is why she attempted to whitewash it. She knew she couldn’t get nominated, much less confirmed, if she didn’t.

But here is what we know about drug abuse in America. This is a map of national opioid death rates in America. As you can see, they go from the dark colors, which is where the death rate is 29 to 43 per 100,000 population, to the slightly lighter range, which is 20 to 29, roughly, people per 100,000, and then the lighter ones, obviously, until you get to the lowest one, which is 3.5 to 10.9.

Every community in America has felt the pain and anguish from the opioid crisis. In 2019, there were more than 70,000 overdose deaths in America. There were 70,000 Americans who lost their lives. We are still waiting on complete figures from 2020, but preliminary data shows things are trending in the wrong direction. From June 2019 through May 2020, more than 81,000 Americans have died from drug overdoses.

Fighting the opioid epidemic is a cause every person in this Chamber can get behind because, as you can see, each of our States has been impacted. In 2016, thanks to the hard work of a bipartisan group of Senators, we passed what became known as the CARA Act—the Comprehensive Addiction and Recovery Act—to help more Americans break this devastating cycle of drug use, drug abuse, and overdose, and we appropriated tens of billions of dollars to fight this scourge.

As I said and as you can see, no State has been spared the pain and suffering from the opioid epidemic, but we do know some have been hit harder than others. For example, one of the States, with the darkest color, with the highest rate of overdose deaths is Ohio. And we can see here what had happened in the period, roughly, from 2009 to 2019.

From 2009 to 2019, 10 years, there were more than 33,000 drug overdoses and deaths in Ohio alone—33,000 Ohioans, each with their unique value, contribution, and story. It is an absolutely heartbreaking number of deaths that should have been prevented.

Another one of those States with the worst problems with opioids was New Hampshire. In 2013, the drug overdose deaths per capita were slightly above the national average, at 15 deaths per 100,000. In New Hampshire, in 2016, just 3 years later, the death rate increased 158 percent.

First responders across New Hampshire experienced a dramatic increase in the calls they got for overdoses so they started carrying Narcan, a medication used to reverse an overdose if

you get there in time before the overdosed individual dies. They carry them in their emergency gear because these overdose calls became so common.

Another one of those States hit particularly hard is West Virginia. In 2019, West Virginia had the highest overdose deaths per capita. For every 100,000 population, more than 52 were from an overdose, double the national figure. That is 21.6 per 100,000 that went up—that is the national—and the West Virginia number is double, as you can see.

Our friend Senator CAPITO has been a tireless advocate for West Virginia families, many of whom have felt the pain of this crisis firsthand. She recently wrote an op-ed about this nominee and the contradictory and confounding statements she has made in the past, particularly on drug policy.

Senator CAPITO wrote:

It’s hard to imagine the level of devastation [that] we would see if all of these drugs actually were legalized. And, it’s even harder to imagine that a nominee for a critical law enforcement position would hold this view.

I completely agree with our friend from West Virginia. Given the ruin that the opioid epidemic has dealt in communities across the country, I can’t even begin to imagine how much worse it would be had the States heeded Ms. Gupta’s call to decriminalize all drugs for personal use. If fentanyl, heroin, methamphetamine, and other highly addictive drugs were decriminalized, how many more Americans would become addicted? How many more would have died? How many more families would suffer the loss of a child? a sibling? a parent?

I am profoundly concerned by Ms. Gupta’s prior statements on drug policy, as well as her radical statements on defunding the police, disarming the police in civil lawsuits by eliminating qualified immunity, abolishing the death penalty for the most heinous crimes, and so much more.

Worse, though, is her inability to be honest about her position on issues that would directly fall within her purview at the Department of Justice. The American people deserve to know that leaders at any government Department or Agency—but especially the Department of Justice—they deserve to know that these public servants are honest and will tell them the truth. As Ms. Gupta’s upside-down Pinocchio indicates, no Senator can have the confidence that Ms. Gupta would be honest with them or tell them the truth.

We hold hearings. We put witnesses under oath promising to tell the truth, the whole truth, and nothing but the truth, so help me God, and we don’t expect people will come into those hearings and lie. We ask followup questions. Perhaps there was some misunderstanding that you would like to clear up.

Believe it or not, Ms. Gupta answered a written question under oath stating that she had never advocated for the decriminalization of all drugs, even

though in 2012, in an op-ed she published in the Huff Post, she did exactly that. But then, for some reason, she decided to lie about it under oath to the U.S. Senate Judiciary Committee. If she would lie to us, she would lie to you. And I fail to see how, for some reason, we think she will change the way she acts or behaves or improve her standard of behavior when it comes to honesty and truthfulness. We hold these hearings and ask these questions to understand the opinions and the character and the motivation of these nominees. But based on what the Senate has learned about Vanita Gupta, I don't believe she is fit to serve as the Associate Attorney General.

The Department of Justice, perhaps more than any other Department or Agency, must be led by men and women of honesty and integrity, people like Merrick Garland and people like Lisa Monaco who received overwhelming bipartisan votes here on the Senate floor. High-ranking public officials at the Department of Justice cannot be motivated by partisanship. They must pursue no other agenda other than fair and impartial justice.

In contrast, Ms. Gupta has shown she is a partisan activist with a penchant for skirting the truth. If confirmed as Associate Attorney General, I believe she has the potential to use the powerful tools at the Department of Justice to wage partisan warfare that has been part of her professional career to this point. If we can't trust her to be honest with us, how can we expect her to fulfill her duty of candor in courtrooms, including all aspects of the legal process that depend on honest, truthful answers and communications.

If we can't depend on her to tell the truth at the Senate Judiciary Committee in the confirmation hearing, how can we depend on her to exercise her duty of candor when applying for a warrant from the Foreign Intelligence Surveillance Court, for example.

Sadly, I believe Ms. Gupta will be a clear and present danger to the American people if she is given the muscle and might of the Department of Justice, as well as the entire Federal Government of the United States of America.

I cannot support her nomination, and I would urge all of my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. Mr. President, it has been many years ago that I went to law school, and I still remember some of the courses and some of the teachers and certainly some of my grades. One of the most interesting courses that should have been required of every student in every law school in America basically was about this document, this Constitution, because in its simplicity, you are sometimes put off by the fact that there is real wisdom behind the words, and applying them in real life can take twists and turns. I found one

way, a quick course in constitutional law, where average people come to understand the Bill of Rights better than most, and I found this when I was practicing law in Springfield, IL.

I would get a telephone call from a parent who would say to me: Durbin, you have got to help me. They arrested my 17-year-old son for possession of marijuana. What are his rights under the Constitution? Did they give him a Miranda warning?

I started hearing things from parents coming back to me about this document, which I was surprised—surprised to hear. The point I am trying to make is this: The many years ago when I was practicing law in Springfield, IL, we were going through a learning process about drugs and addiction, and it has continued to this day. In fact, I don't believe there is a single Senator on either side of the aisle who would say: You know, I have been here 20 years or plus, and I have never changed my views on drugs. Maybe some feel that way. I am not one of them.

There have been dramatic changes in the American attitude toward drugs. I think we know that, obviously. There have been changes in many States. In my State of Illinois, I think about that parent who called so many years ago—in a State where the sale and possession of marijuana and products made with marijuana is now legal and taxed.

Things have changed dramatically when it comes to drugs. There are very few people who hold to the old school, which says: Simple possession of one marijuana cigarette, and we are going to put you in jail and throw away the key.

No, it has changed a lot. In fact, it has changed in Washington so much so that there was a bill called the FIRST STEP Act. The FIRST STEP Act was a bill that I worked on with Senator GRASSLEY and Senator LEE and Senator BOOKER, who is here today, that basically said: We are changing our attitude toward drugs. Simple possession of a small amount of drugs will not require a mandatory minimum sentence because we have seen the terrible outcome otherwise.

We put that bill together on a bipartisan basis, and President Donald Trump signed the bill into law. He not only signed it but came before us in the State of the Union Address and was proud of the fact that he had changed and reformed drug laws.

So when I hear the arguments made on the floor that perhaps some nominee coming before us may have changed her or his opinion on drugs as, say, America has, by and large, think about what has happened with this opioid crisis now that it is no longer just an—I say “just,” underlined—an inner-city crime but a crime that affects families who live in wealthy suburbs. We now are looking at addiction so differently.

So let's go to this issue of Vanita Gupta and her positions on drugs. In questions for the record, Senator COR-

NYN, the senior Senator from Texas, asked Vanita Gupta what research, books, studies, and other material did you rely on before concluding that “all drugs should be legal”?

Gupta said that she has never said that all drugs should be legal or completely decriminalized.

In his floor speech last week, Senator CORNYN claimed 15 times that Gupta had lied in response to this question. Senator CORNYN held up a poster purportedly showing that Gupta had denied ever making a 2012 statement in favor of decriminalizing the simple possession of small amounts of drugs. The Senator said: If you publish an op-ed saying the sky is purple and now you say the sky is blue, don't tell us you never thought the sky was purple.

Senator CORNYN's claim, I am afraid, is false. Vanita Gupta was completely honest and forthright. Cornyn's poster left out the very next sentence of Gupta's response, in which she clearly acknowledged her past position on decriminalizing the simple possession of drugs. Gupta stated, and I quote: “I have never advocated for the decriminalization of all drugs, and I do not support the decriminalization of all drugs. In 2012, nine years ago, I coauthored an article that advocated for states to decriminalize and defelonize simple possession of all drugs, particularly marijuana, and for small amounts of other drugs.”

Does this sound like a person who is on a crusade to promote fentanyl, opioids, heroin? It sounds like a person who might have voted for the FIRST STEP Act, signed into law by President Donald Trump, who said we have to take an honest look at what arrest and imprisonment for simple possession of drugs has done to America. When one out of three Black adult males, has, unfortunately, a history of incarceration, it raises a question about overincarcerating for possession—possession—of drugs. So I think this argument that she cannot be trusted on the issue of drugs falls apart when you read what she actually said.

Then there is the question of defunding the police. I don't know who dreamed up that phrase. I don't think much of it. I have never espoused it nor argued for it because I think it is so misleading, and, in many respects, it has been exploited.

Republicans like to claim that Vanita Gupta supports efforts to defund the police. She has never called for defunding the police. Suggesting she has done so, including an ad by the conservative, dark money-funded Judicial Crisis Network—they pop up around here whenever mysterious groups want to spend millions of dollars to discredit someone. These claims in that ad are patently false.

A Washington Post editorial wrote of the Judicial Crisis Network claim: “Awkwardly, there's zero proof of that, including in the ad's own footnoted citation.” The Washington Post called Judicial Crisis Network's ad a “baseless smear campaign,” “categorically

dishonest,” and “mainly notable for the magnitude of lies and distortions it crams into 30 seconds.”

And listen to the response and the source. The executive director of the National Fraternal Order of Police, Jim Pasco, called this ad that claimed that Gupta wanted to defund the police—do you know what he called it?—“partisan demagoguery.” And yet we still hear it on the floor of the Senate as if it is gospel truth.

The Fraternal Order of Police supports Vanita Gupta’s nomination to this position in the Department of Justice, and they aren’t the only ones. Virtually every major law enforcement group supports Vanita Gupta. You wouldn’t know that, would you, when you hear on the floor that she wants to legalize all drugs and take the money away from police. Those simplistic statements belie the truth and the fact that these organizations support her.

The Republicans, starting with Senator McConnell and continuing to this moment, will not acknowledge the obvious. These are hard-nosed organizations that don’t give their endorsement out easily, and they weren’t fooled by Vanita Gupta. They know Vanita Gupta.

In a letter to the Senate endorsing Gupta’s nomination, the president of the Major County Sheriffs’ Association of America—that is a pretty hard-nosed group. Here is what they wrote: “During our meetings, Ms. Gupta emphasized that she does not support efforts to defund the police.” They addressed it directly. They didn’t beat around the bush. You don’t expect them to; do you?

During her tenure at the Justice Department, Vanita Gupta worked closely for law enforcement, which is why the Senate has received numerous letters of support for her nomination from law enforcement groups. I can go through the list, and it is long. I won’t. Trust me, it has all been entered into the RECORD. Every Senator—Democrat and Republican—has had a chance to see it.

But I think there is something more fundamental to this nomination, which we are considering Wednesday, April 21, in the year 2021. Late yesterday afternoon, a verdict in a trial in Minnesota captured the attention of America and other places around the world. We all know what it was about. It was about the death of George Floyd and the culpability of a law enforcement officer in his death. It was a trial that was followed as closely as any trial that I can remember, and the verdict against the police officer gave some people the hope that we are finally going to walk down that path again of civil rights and be honest about it and demand equality under the law for everyone in this country in the enforcement of law.

I hope that happens, and I hope that we can be a part of it—and we should be—in the U.S. Senate. But I will tell you, and I can predict with certainty,

that it is going to be a rocky path for those advocates for asserting civil rights. History has shown it, and many of us have lived it, at least as witnesses, that those who step out and speak out for civil rights and human rights often pay a heavy price.

One of the people in our history—our recent history—who has done just that is Vanita Gupta, the nominee who is before us today.

I mentioned earlier, and I want to commend to my colleagues and anyone else, this book “Tulia,” written by a man named Nate Blakeslee. It is a story of a town in Texas. I want to briefly describe to you why they would write a book about this town in Texas.

Mr. CORNYN. Mr. President, at the appropriate time, I would ask the Senator to yield for a brief question. But I don’t want to interrupt him in his train of thought.

Mr. DURBIN. Sure.

Let me read the summary of this book and the book cover. I have had a chance to read parts of it but not in its entirety. Here is what it says: “Early one morning in the summer of 1999, authorities in the tiny West Texas town of Tulia began a roundup of suspected drug dealers. By the time the sweep was done, over 40 people had been arrested and one out of every five black adults in town was behind bars, all accused of dealing cocaine to the same undercover officer, Tom Coleman. Coleman, the son of a well-known Texas Ranger, had been named Officer of the Year in Texas. Not until after the trials, in which Coleman’s uncorroborated testimony secured sentences as long as 361 years, did it become apparent that Coleman was not the man he claimed to be. By then, two dozen people were imprisoned, and the town of Tulia had become a battlefield in the national debate over the war on drugs.”

And there they sat, dozens of them, in prison, accused of serious drug crimes.

And then a young lady graduated from law school and went to work in the area of civil rights. Six months out of law school, she traveled to Tulia, TX. Her assignment? Bring justice to the situation. I can’t imagine, 6 months out of law school, barely having passed some State’s bar exam, to be given that assignment. The woman, of course, was Vanita Gupta, and she got on a plane from New York. Her civil rights organization sent her to Tulia, TX, to take on this injustice.

By then, they were all sitting in jail. Most of them were African American. And she was sent to Tulia, TX, to rescue them and try to help them.

Well, she quickly assessed the situation, decided writs of habeas corpus would have to be filed to try to get reconsideration of the charges against these individuals, and then she quickly realized she was in over her head. She couldn’t do this alone. There were too many cases.

So she went back to New York and started calling law firms, saying: I

need your help. I need pro bono attorneys, volunteer attorneys who will help me do this case. She tackled it and took it on, and at the end of the day, this brave young woman, whom we are about to vote on in an hour and a half, was responsible for leading a team that liberated these prisoners.

The Republican Governor of the State of Texas officially pardoned them for the drug crimes they had been charged with, and the State of Texas offered damages to them for what they had suffered.

I can’t imagine Vanita Gupta, fresh out of law school, heading down to this town of Texas and tackling this. How about that for your first assignment? Most new lawyers are stuck in a library looking up footnotes and cases. She didn’t waste any time but to go down there.

The reason I raise that is, at this moment today, not even 24 hours after the verdict in the trial in Minneapolis, we are going to need people just like her who have the courage to stand up for civil rights, against what seem to be insurmountable odds, to bring back this Nation of ours—Black and White and Brown—together in moving forward.

I don’t believe she should be discredited, dishonored by what is said on the floor of the Senate. She should be praised for her courage and determination.

She went on to serve in the Department of Justice as the head of the Civil Rights Division. She took that responsibility, and that is not an easy assignment. Many times, that division is called on to deal with police departments and law enforcement and to tell them the bad news that sometimes they had done things that are just plain wrong and unacceptable. She did it. She did it with class, with integrity, and the same law enforcement organizations have endorsed her today.

The Republicans who criticize her and they have come to the floor and called her a “radical cultural warrior”—“radical cultural warrior.” Recently, she was just called on the floor “a clear-and-present danger.” I find it hard to imagine that anyone could read or know of any section of what she did in this book and describe her as a “radical cultural warrior.”

She brought justice to a situation where few people could have done it and did it fresh out of law school. She is an extraordinary person. She is a courageous person. She is a person of integrity and honesty and dedication to public service. I am happy to support her nomination.

I will yield for a question.

Mr. CORNYN. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I yield for a question.

Mr. CORNYN. This is the quote from the article that Vanita Gupta wrote on November 4, 2012. It says: “States should decriminalize simple possession of all drugs, particularly marijuana, and for small amounts of other drugs.”

And then in her sworn testimony, in response to written questions, she said: "I have never advocated for the decriminalization of all drugs, and I do not support the decriminalization of all drugs."

In 2012, support for the decriminalization of all drugs; in 2021, "I have never" supported "the decriminalization of all drugs."

I wonder if my colleague—I just simply can't reconcile those two statements, both given under oath to the Judiciary Committee.

Can you reconcile those statements?

Mr. DURBIN. Thank you, Senator.

I will reconcile it in the words of Vanita Gupta: "In 2012, I coauthored an article that advocated for states to decriminalize and defelonize simple possession of all drugs, particularly marijuana, and for small amounts of other drugs."

How much more clarity do you need?

Now, you and I know that we live by our words. And many times, even as Senators, people find statements and speeches that we have made and come back and challenge us. And I would just say, her statement is not only clear, it is a mainstream statement. To argue that this woman is for legalizing all drugs, as someone has suggested, is ridiculous. She has never said that, and she had made it clear what her position is, and it is a position which most Americans share.

Mr. CORNYN. Mr. President, I would ask the Senator to yield for one last question.

We can all understand how people's views change over time, but there is no way to reconcile these two statements, 2012 and 2021, which is the reason I believe that Ms. Gupta, for some reason lost to me, decided to tell the Senate Judiciary Committee two inherently conflicting statements under oath.

She could have gotten out of it the easy way and said: "Well, I made a mistake" or "I forgot" or "My views changed over time." I would have accepted that. But to come back on questions for the record and to state something that is 180 degrees opposed to her views in 2012—I have not heard her, I have not heard the distinguished majority whip, I have not heard anybody be able to reconcile those two statements.

Mr. DURBIN. Mr. President, I reclaim my time, if the Senator is finished.

So do you believe that the Fraternal Order of Police thinks that she wants to decriminalize and legalize all drugs? Do you think the county sheriffs association believes that? Do you think they ever would have endorsed her nomination if they believed that for 1 minute?

They don't. I don't. Her words are clear.

The Senator from New Jersey had a question.

Mr. BOOKER. Mr. President, I appreciate that. I want to acknowledge my speaking time was far earlier. I am

supposed to be presiding right now, but I did not want to get between. I am but a mouse in the U.S. Senate, as a junior person. Those are two elephant titans over there.

Mr. DURBIN. Let me stipulate, Mr. President, a pretty large mouse.

Mr. BOOKER. I appreciate the indulgence of the Presiding Officer. I wanted to just give general remarks about Vanita Gupta, but I would love to weigh in and maybe pick up exactly where Senator DURBIN left off.

Mr. DURBIN. Mr. President, I will tell you what, let me end my remarks, then, and just say to the Senator from New Jersey, I am here to listen to him as well and to close by saying this extraordinary woman is presenting her credentials for approval by the U.S. Senate at exactly the right moment in history.

We need, in the Department of Justice, Vanita Gupta, who has given a lifetime of courageous service in the pursuit of justice and in the pursuit of civil rights.

Is there a lesson from Minnesota that we should bring to the floor of the Senate? It is the fact that we need people like her who can communicate effectively with law enforcement and civil rights groups and resolve our differences, more at this moment in history than ever.

If you can still remember that verdict—and I will remember it for a long, long time, as others will—when you cast your vote on the Senate floor today, vote for Vanita Gupta to be part of this Department of Justice team.

At this moment in American history, never have we needed a person with her qualifications more than at this moment.

I yield the floor.

Mr. BOOKER. Mr. President, I appreciate Senator DURBIN quickly wrapping up his remarks and indulging me. I had some prepared remarks, but I want to break away from them.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BOOKER. Mr. President, thank you very much for the recognition.

I think—I am not sure, but I think I am the only Senator here who lives in a low-income, Black and Brown community in the U.S. Senate. I live in a beautiful neighborhood in the beautiful Central Ward of Newark, N.J.

We don't mistake wealth with worth. In fact, I went off to get a fancy education. I may have gotten my B.A. from Stanford, but I got my Ph.D. on the streets of Newark, learning from some of the most incredible people I have ever encountered in my life.

If there is one lesson that I have learned early in my days, in the 1990s, living in the Central Ward of Newark at the height of the drug war, it is that this War on Drugs was not a War on Drugs; it was a war on people—and not all people but certain people. It was a war on poor people. It was a war on Black people.

And it was destroying lives. People were getting criminal convictions for

doing things that two of the last four Presidents admitted to doing—simple possession, getting criminal convictions for it.

And here is what is even more anguishing at a time in the opioid addiction where everybody now is on the same page that people who are addicted deserve to have treatment. Back in those days, churned into the criminal justice system were African Americans, for simple possession, who were in desperate need of compassion and care and love and treatment.

And this gets me to Vanita Gupta. I watched the two statements that my friend and colleague from Texas put up, there—screaming—the difference between those two statements: I don't support the legalization of all drugs, but I do support the decriminalization of small amounts of drugs and getting people help and not a lifetime scarlet letter of being a convicted criminal.

She does not support the decriminalization of all drugs. I am glad to see that she is looking at the challenge that we have in this country of arresting people who need help.

And my friend Senator DURBIN, with great patience and not relying on raising his voice like I do, a real gentleman, said it simply: Vanita Gupta is not a partisan. She is a patriot.

Look at her career. I mean, my mom used to tell me: Who you are speaks so loudly I can't hear what you say. In other words, judge a person by what they have done in their life, how they have lived, where they have sacrificed, what commitments they have made.

You chart Vanita's career, from her activism in law school to defend the Constitution, from her very first assignment as a lawyer in Texas defending an outrage of injustice—and winning. Where are the people lining up to criticize her in those days working in her nonprofit work?

And then, for the great high salaries of Department of Justice workers, she goes to lead the Civil Rights Division. Are there people coming forward from their experiences? Are there police officers, are there police agencies, are there police groups coming forward to say: When she had that high and vaunted position in the Department of Justice, did she do something that so showed her partisanship?

Not one. In fact, quite the contrary to that, group after group of police organizations are coming forward and saying: She is not a partisan; she is a patriot. I stand by her. She is not a Democrat or a Republican; she is an honest broker, a fair actor who pursues justice.

She has conservatives who are partisans supporting her. I mean, that is the thing that gets me. We see partisan appointees all the time in here, but here is a woman who actually got people—Mark Holden from the Koch brothers organization is supporting her.

So I understand that maybe people are taking words and twisting them. There is not a Member of this body who

hasn't had that experience, when the intention, the good will, the honesty behind the words is distorted and twisted by millions of dollars from outside organizations that somehow want to destroy this woman.

I know Vanita Gupta. She is not just somebody I have a professional relationship with. I confess to the floor of the U.S. Senate, she has been my friend for years. I had occasion to talk to her dad, not during this time when she was nominated—months ago.

God, the stories he related about her, the pride that beamed through the telephone about her, about how he came from India with \$8 in his pocket, with an immigrant's dream, and now he gets to see his daughters living lives of service, and how his children were wired this way, to so appreciate this Nation as immigrants, to know that this Nation was formed around the highest ideals of humanity, and to see his two daughters pursuing the cause of our country to make this a more perfect Union around the ideals of liberty and justice. That is Vanita Gupta's life.

I have had private conversations with her for years about these issues that now she is being accused on. And she is not some radical partisan. She has a heart and a compassion for human beings that, to me, inspires my actions.

And this is what hurts the most because somehow I have seen it in our society, when a woman stands up and is strong and defiantly dedicated to ideals that are not made real in reality, they are attacked again and again and again. I have seen it in my own party between Presidential candidates. The treatment that the public and the press gives one who is the woman is far different than the same standards they put to the man.

And then—God bless America—there is something about women of color that seems to really get them outrageous attacks. I have seen it through my culture's history. They hunted Harriet Tubman. They despised Sojourner Truth. They belittled Rosa Parks.

There seems to be something about strength, something about talent, something about being willing to tell the truth that generates something, that tries to relegate Black women and women of color to be hidden figures in history.

I see it in every element of our country—even in the medical profession, for God's sake. Even when you control for income and education, Black women giving birth, their pain is not attended to; they are underestimated for the struggles they are in; and they die four times more often than White women.

So with this woman I have known for years, I have seen her in private and public. I have seen her go to work with Republicans, join arm in arm with them in bettering our country. I have seen her serve from her twenties and thirties. I have seen her be, in every step of her career, committed to our country, sacrifice for it.

Here we stand on the Senate floor. And I tell you, on the day after the verdict of George Floyd, where I saw other patriots tell the truth on the stand, police officers break with the waves of history, the streams and currents, to tell the truth, this is a moment that I have to tell the truth.

This is a good American, a great American, honest, committed, who has sacrificed for her country. And in a time of injustice still, where our jails and our prisons are filled with people who are hurt, when we, the land of the free, have one out of every four incarcerated people and, get this, one out of every three incarcerated women on the planet Earth in our jails and prisons—where almost 90 percent of them are survivors of sexual assault—this is the time we need more compassion; this is the time we need more empathy; this is the time we need more civic grace toward one another.

And Vanita embodies that. She stands for that in every fiber of her being. Her career echoes with that spirit. Should we confirm her to this position, I promise you here on the Senate floor before the flag of my country, she will do this Nation proud, committed. She will never mistake popularity for that purpose. She will never be distracted by the partisan games going on in the Capitol. She will be committed to the higher calling.

I ask my colleagues to step back for a moment and see the truth of who she is, who police organizations say she is, who prominent conservatives say she is, to see the person her dad says she is and elevate this incredible person, this incredible woman of color, to a position that desperately—to a nation that desperately needs this kind of leader.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I didn't come to the floor to speak to the nominee who is before us this afternoon, but following the very impassioned comments by my colleagues, in fairness, on both sides of the aisle and recognizing the vote that I just took about an hour ago to advance Vanita Gupta to this position, I will take just a moment to explain where I am coming from and why I will be supporting her final confirmation in just an hour.

I have looked at her record. I have had an extensive sitdown with her. I am impressed with not only her professional credentials but really the level of experience, but more to the comments that we just heard on the floor, the passion that she carries with her in the work that she performs.

I think it is fair to say we will all agree her confirmation has been very challenged. She has had significant back-and-forth in committee. She has been elevated with very strong rhetorical words in favor and, equally, words of condemnation.

I asked her point blank: Why do you want this? Is this worth it? Because this has been, clearly, very hard on her

as a nominee. She paused and reflected a moment and just spoke to how she feels called to serve in a very personal way that I thought was impactful.

We had a long discussion about some of the issues that I care deeply about in my State as they relate to justice, access to justice, public safety, and the real tragedy that we face when it comes to women, primarily our Native women, who experience rates of domestic violence and sexual assault that are shocking, disturbing, and wrong. Despite all that we have as a State, the resources we have, the opportunities we have, we have not been able to turn the corner as we have needed to in confronting what I believe is a true scourge.

It is going to take more than resources. Jurisdictionally, it is very complicated in Alaska. We don't have reservations. We don't have similar law enforcement presence in many parts of the State that you might have in the lower 48.

We have a great deal of work to do as a State. But as we discussed these issues, I felt that I was speaking to a woman who had not only committed a professional life to try to get to the base of these injustices, to try to not just direct a little bit of money, put a program in place, walk away, and call it a day, but to truly try to make a difference.

So there are some statements that she has made in some other areas that, in fairness, I find troubling and concerning, and part of my job will be to ensure that she understands clearly how this translates into issues in my State and with our particular issues. But I am going to give the benefit of the doubt to a woman who I believe has demonstrated through her professional career to be deeply, deeply committed to matters of justice. So I will be casting my vote in support of her in about an hour here.

SEMI ACT

Ms. MURKOWSKI. Mr. President, I came to the floor today to talk about something that has been top of my mind for a period of time, and I wanted to bring it to Members' attention today because of some recent articles of late as it relates to national security and global competitiveness, particularly as they relate to domestic resource development.

In recent months, since the beginning of this administration, I have spoken out in concern at the direction that I have seen the new administration take with regard to energy security and how that relates to Alaska. I have spoken out at length about my opposition to several of these Executive orders that were very early on relating to leasing and permitting moratoria in my State. In fact, there were eight specific orders that were directed to one State and to one State only. That is a pretty hard hit for Alaska.

In other areas, I don't believe that additional Federal lands and waters in Alaska should be placed off-limits. We